

September 20, 2018

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By eCRB

United States Copyright Royalty Judges
Library of Congress
P.O. Box 70977
Washington DC 20024-0977

Re: In re Determination of Royalty Rates and Terms for Transmission of Sound Recordings by Satellite Radio and “Preexisting” Subscription Services (*SDARS III*), Dkt. No. 16-CRB-001-SR/PSSR (2018-2022)

To the United States Copyright Royalty Judges:

I write on behalf of SoundExchange, Inc. Please take note that on September 18, 2018, the U.S. Senate unanimously passed a bill known as the “Orrin G. Hatch Music Modernization Act.” The full text of the bill is available at <https://www.congress.gov/115/bills/hr1551/BILLS-115hr1551eas.pdf>. Section 103(i) of that bill would amend Section 804(b)(3)(B) of the Copyright Act to specify that for SDARS, “the terms and rates set forth by the Copyright Royalty Judges on December 14, 2017, in their initial determination for the rate period ending on December 31, 2022, shall be in effect through December 31, 2027, without any change based on a rehearing under section 803(c)(2) and without the possibility of appeal under section 803(d).” Sirius XM has publicly announced its agreement with this arrangement. <http://investor.siriusxm.com/investor-overview/press-releases/press-release-details/2018/Music-Community-Comes-Together-on-Music-Modernization-Act/default.aspx>.

This legislation is expected to be voted on by the House of Representatives in the short term. If enacted, the pending rehearing in the above-captioned case will be moot. Accordingly, SoundExchange respectfully suggests that to conserve judicial resources, the Judges should defer any further action on the rehearing until the status of the bill is clear. If, as expected, the bill is enacted, the pending rehearing should be dismissed as moot.

Respectfully submitted,

/s/ Steven R. Englund

Steven R. Englund
Counsel for SoundExchange

cc: All Participants

CERTIFICATE OF SERVICE

I, Steven R. Englund, do hereby certify that, on September 20, 2018, copies of the foregoing are being filed via eCRB and sent via electronic mail to all parties at the email addresses listed below.

<p>George Johnson DBA GEO MUSIC GROUP 23 Music Square East Suite 204 Nashville, TN 37203 George@georgejohnson.com</p> <p><i>Pro Se</i></p>	
<p>Paul Fakler Eric Roman ORRICK, HERRINGTON & SUTCLIFFE LLP 51 West 52nd Street New York, NY 10019 Telephone: (212) 506-5000 Facsimile: (212) 506-5151 pfakler@orrick.com eroman@orrick.com</p> <p>Paula Calhoun MUSIC CHOICE 650 Dresher Road Horsham, PA 19044 Fax: 215-784-5886 PCalhoun@musicchoice.com</p> <p><i>Counsel for Music Choice</i></p>	<p>R. Bruce Rich Randi Singer Todd Larson David Yolkut Jacob Ebin Elizabeth Sperle Reed Collins WEIL, GOTSHAL & MANGES LLP 767 Fifth Avenue New York, NY 10153 Fax: (212) 310-8007 Bruce.Rich@weil.com Randi.Singer@weil.com Todd.Larson@weil.com David.Yolkut@weil.com Jacob.Ebin@weil.com Elisabeth.Sperle@weil.com Reed.Collins@weil.com</p> <p>Patrick Donnelly SIRIUSXM RADIO INC. 1221 Avenue of Americas, 36th Floor New York, NY 10020 Fax: 212-584-5353 Patrick.Donnelly@siriusxm.com</p> <p>Cynthia Greer SIRIUSXM RADIO INC. 1500 Eckington Pl., NE Washington, DC 20002 Fax: 202-380-4592 Cynthia.Greer@siriusxm.com</p> <p><i>Counsel for SiriusXM Radio, Inc.</i></p>

<p>Rollin A. Ransom SIDLEY AUSTIN LLP 555 W. Fifth St., Suite 4000 Los Angeles, CA 90013 rransom@sidley.com</p> <p><i>Counsel for Sony Music Entertainment, Universal Music Group, and Warner Music Group</i></p>	
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Dated: Sept. 20, 2018

/s/ Steven R. Englund

Proof of Delivery

I hereby certify that on Thursday, September 20, 2018 I provided a true and correct copy of the Notice Concerning the Orrin G. Hatch Music Modernization Act to the following:

Sirius XM, represented by Todd Larson served via Electronic Service at todd.larson@weil.com

American Federation of Musicians of the United Sta, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Universal Music Group, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

American Association of Independent Music ("A2IM"), represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Johnson, George, represented by George D Johnson served via Electronic Service at george@georgejohnson.com

SAG-AFTRA, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Recording Industry Association of America, The, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Music Choice, represented by Paul M Fakler served via Electronic Service at pfakler@orrick.com

Warner Music Group, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Sony Music Entertainment, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Signed: /s/ Steven R. Englund